

Subject: December 10, 2004 Meeting Minutes

A meeting of the Perchlorate Community Advisory Group was held at the San Martin Lions Club, 12415 Murphy Avenue, San Martin, on November 12, 2004 at 2 pm.

1. **Pledge:** The Chair, Ms. Sylvia Hamilton, led the Pledge.

2. Administrative Items:

- a. Attendee Sign Sheets
- b. Introductions
- c. No new items added to the agenda
- d. November 2004 Meeting Minutes: The minutes approved with two corrections.
 - i. 6c changed from 28 billion to 27.3 million gallons
 - ii. 7b Ms. Hemmeter misspelled
- e. Meeting dates for 2005
 - i. Ms. Hamilton suggested having the meetings on the first Friday of each month.
 - ii. PCAG meeting rosters show that community members had better attendance in the evening meeting versus afternoon sessions.
 - iii. The members of PCAG collectively decided to **cancel the January 2005 meeting**, as there will be no new information presented. The next PCAG meeting is scheduled for February 4, 2005. The 2005 meeting dates will be finalized at the February meeting.

3. Regional Board Update (David Athey)

- a. Tennant Site Soil Remediation
 - i. RB gave Olin 50 ppb perchlorate soil goal for the Tenant site
 - ii. To date, 99% reduction of perchlorate in the treated soil.
 - iii. Olin is going to take more samples on the 20th and 21st of December. Soil treatment process is taking Olin longer then anticipated.
 - iv. There are Ion Exchange reports on the Regional Boards website for the public.

Q: An audience member asked whether perchlorate had flowed into Butterfield Detention Pond.

A: Mr. Jim Ashcroft replied that there was never any indication that perchlorate has flowed into Butterfield and that it is not likely to happen in the future.

Q: An audience member asked if there is any kind of performance monitoring

A: Performance monitoring wells currently installed at the site.

b. Northeast Flow Assessment Report

- i. Olin denies that Northeast flow exists but the Regional Board supports additional sampling prior to making this determination. Olin will start a forensic investigation. to determine the effectiveness of the science for this situation. * The deadline for the forensic study report is Dec 20. The RB also plans to contact an expert to review the results of the forensic study before proceeding.

c. Alternative Water Supply Report

- i. Olin is moving ahead with alternative water supply for families who have contaminated wells.

Q: Mr. Greg Van Wassenhove asked whether Olin was looking to test Agriculture wells.

A: Mr. Athey replied that they are just testing domestic wells.

- ii. Mr. Van Wassenhove added that Agricultural wells should be tested until enough research and information is provided proving it is not necessary. Mr. Bob Wood informed the group that food absorbs the perchlorate from soil irrigation until it is picked. Mr. Bob Cerruti said that in a recent study it was found that lettuce updated perchlorate 60 percent times more then the soil it was in.

4. Discussion Topics

- a. California Department of Health Services MCL progress report by Reed Addis, District Director for Assemblyman John Laird:
 - i. MCL – Maximum Contamination Level. The MCL will be set by the Department of Health Services (DHS). Currently the Public Health Goal and the State Action Level are 6ppb.
 - ii. MCL regulation process:
 - (1) 3 entities have a major impact in determining the MCL
 - A. **The California Office of Environmental Health Hazards Assessment agency (OEHHA)** sets the public health goal (PHG), which currently is 6 ppb. DHS reviews this standard and after a long evaluation process, which can take years, the MCL is determined.
 - B. **OEHHA's Department of Science analysis**
 - C. **Public Comments**
 - (2) 5 Stages of the MCL development and life of a water quality regulation
 - A. Health concern - PHG, treatment concept, monitoring, or notification approach.
 - B. Review of approach within the context of feasibility, cost, etc., to determine a proposal
 - C. Incubating by drafting regulation documentation, reviewing, revising, signing, public commenting, final reviewing, adoption (up to 3 yrs)
 - D. Sec of State signature = effective regulation
 - E. What happens after adoption = implementation
 - (3) Lengthy Process
 - A. DHS regulation process takes a long time due to development and lengthy adoption period. Need to work with committees of field staff and stakeholders to draft regulations. In addition, DHS reviews Federal regulations for consistency with State regulations and may modify requirements or make them more stringent. Before anything is official, DHS must receive Federal EPA approval of draft before proceeding to adoption.
 - B. The next process involves getting the following departments to review and sign off on the new MCL level: Office of Regulations, Office of Budget, Department of Finance, Legal Services, Signatures, Prevention Services, and Health and Human Services Agency.
 - C. The last step includes taking public comments, adoption, and then the final review. At this point, the public has their chance to voice their ideas or concerns about the MCL. Then it is up to DHS to respond and make revisions. The draft is then reviewed one last time and sent to the director of DHS for signature.
 - iii. Perchlorate MCL Regulation Process
 - (1) DHS is considering establishment of a Perchlorate MCL level. California law states that the MCL cannot be lower then the PHG which currently is 6ppb. It will be about 9 months before the public comment stage where PCAG can voice its opinion. One study that impacts the EPA's public health goal is the National

Academy of Science's review of the health effects perchlorate has on humans. The study will be released shortly and will have an impact on the Action Level, the PHG and the MCL.

- b. Southern Migration
 - i. Ms. Hamilton emphasized the importance of keeping perchlorate from migrating south. Mr. Cerruti added that a formal request should be sent to the RB to have Olin keep testing areas south of the contaminated site. For the time being there needs to be precautions taken so that the perchlorate does not migrate
 - ii. Ms. Tracy Hemmeter mentioned some solutions:
 - (1). Encapsulate with a blast
 - (2). Pump out contamination before it spreads further.
- c. Perchlorate In Gilroy (Carla, City of Gilroy)
 - i. The City of Gilroy is extremely concerned about extent of the plume. They are taking measures to not only keep track of the perchlorate but to prevent it from coming into the city. City officials are actively involved in the Perchlorate Working Group (PWG). Gilroy has sent agencies such as the Regional Board and the State Water Board letters about the issue. Currently they are testing their own wells but are not testing the soil. In case there is contamination they are prepared with a contingency plan.
- d. Access Agreements
 - i. Ms. Hamilton would like a copy of the access agreement Olin corporation is sending out to residents asking for permission to test their wells.

5. Additional Topics

- a. Santa Clara Valley Water District (SCVWD) Special Board Meeting Dec. 14 (Tracy Hemmeter)
 - i. The SCVWD will be holding a meeting at the City of Gilroy to discuss a timely and comprehensive solution to the perchlorate issue, what clean up can look like, and alternatives. The board will then be asked to accept the plan so they can send it to the RB and have a clean up and abatement order issued in order to accelerate work. There will be a press release sent out about the meeting. The meeting is being held in Gilroy so that public comments can be heard. Ms. Hamilton will be asked to speak on behalf of PCAG.
- b. Groundwater Guardian Program Update (Tracy Hemmeter)
 - i. PCAG has been recognized as a Groundwater Guardian Community Affiliate for their efforts to educate the public about perchlorate.
 - ii. Groundwater Guardian also needs to develop another work plan by February 15, 2005.
- c. Perchlorate Working Group Update (Tracy Hemmeter)
 - i. The SCVWD staff will make a presentation to their board on December 14, 2004.
- d. PCAG Bylaws (revision)
 - i. Section four – Changed specific date
 - ii. Is there need for a Quorum section?
 - iii. Discussion will continue at the February 2005 PCAG meeting.

6. Next Meeting- February 4, 2005 from 2 – 4 pm at the Lions Club Hall.

Meeting was adjourned at 4pm.

Minutes submitted by Zohra Karimi